

CITY OF GRAYSON

302 East Main Street
Grayson, Kentucky 41143

Phone: (606) 474-6651
Fax: (606) 474-6653

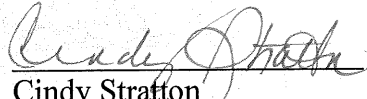
www.graysonky.net

CERTIFICATE

CITY OF GRAYSON

I, the undersigned, hereby certify that I am the duly qualified City Clerk of the City of Grayson, Kentucky, and the forgoing document, **Ordinance No. 10-2013** is a true, correct and complete copy duly adopted by the City Council at a duly convened meeting held on November 13th, 2013, all as appears in the official records of said City.

Witnessed, my hand this 9th day of September, 2014.


Cindy Stratton
City Clerk

RECEIVED AND FILED
DATE November 14, 2014

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Hardie Adkins

ORDINANCE NO. 10-2013AN ORDINANCE ANNEXING CERTAIN TERRITORY INTO THE CITY
WITH CONSENT OF LANDOWNER

Whereas, the City of Grayson desires to annex certain territory into the City which is located on the west-side of Kentucky Highway 7, north of I-64 in Carter County, Kentucky;

Whereas, the landowner desires that his property described herein be annexed by the City and made a part of City of Grayson;

Whereas, the City has obtained written consent of the landowner of the land to be annexed herein, and the City enacts this ordinance annexing the land described herein into the City of Grayson;

Whereas, the territory proposed to be annexed herein is contiguous to the City of Grayson;

Whereas, the territory to be annexed does not lie within the boundary of another incorporated city;

Whereas, the territory to be annexed is not part of an agricultural district formed pursuant to KRS 262.850;

Whereas, the territory to be annexed is suitable for development for urban purposes without reasonable delay due to population density, commercial, institutional or governmental use of land, or subdivision of land.

Now, Therefore, Be It Ordained By the City Council of the City of Grayson, County of Carter, State of Kentucky, as follows:

Section 1: Annexation

The landowner of the property described in the Deed of Conveyance attached hereto as Exhibit "A", dated June 19, 2012, which is recorded in Official Record 288, Page 263, of the Carter County Clerk's Office, having consented, in writing, to annexation of the property described in Exhibit "A" into the City of Grayson as evidenced by the signature of the landowner expressing his consent to annexation as reflected in Exhibit "B" to this Ordinance, the City of Grayson, pursuant to Kentucky Revised Statutes, Chapter 81A.005 *et seq.*, and specifically, KRS 81A.412 which authorizes annexation by written consent of landowners, and other applicable law, does hereby annex into the City of Grayson the territory described in Exhibit "A" to this Ordinance. Exhibits "A" and "B" to this Ordinance are incorporated by reference, and each is made a part of this Ordinance as if set forth at length herein.

Section 2: Map

A professional survey map of the territory annexed herein is attached hereto as Exhibit "C" and is made a part of this Ordinance. The territory annexed herein shall be and is designated for purposes of zoning and land use regulation as "Highway Business" and the City's comprehensive plan and zoning map is hereby amended accordingly.

Section 3: Severability

If any section, subsection, sentence, clause, or phrase of this Ordinance is held unconstitutional or otherwise invalid, such infirmities shall not affect the validity of the remaining portions of this Ordinance.

This ordinance becomes effective upon its adoption, approval, and publication as provided by law.

First reading, approval and adoption this 13th day of November, 2013.


MAYOR GEORGE STEELE

ATTEST:

CINDY STRATTON

CONSENT/AUTHORIZATION

I, Benjamin E. Rice of 620 State Route 1947, Grayson, Kentucky 41143, do hereby express my consent for the City of Grayson, Kentucky, to annex into the corporate boundaries of the City of Grayson and to make a part of the City of Grayson, the entire property owned by me as described in the Deed of Conveyance dated June 19, 2012 from Bobby Bowling to me, which was lodged with the Carter County Clerk's Office on June 19, 2013, and is recorded in Official Record 288, Page 265.

DATED: 11-12-13

Benjamin E. Rice
Benjamin E. Rice

Exhibit "B"

Ex. B

DEED OF CONVEYANCE

THIS DEED OF CONVEYANCE made and entered into this 19th day of June, 2012, by and between **Bobby Bowling**, single, of Route 4, Box 38, Grayson, Kentucky 41143, hereinafter referred to as Grantor, and **Benjamin Earl Rice**, single, of 620 State Route 1947, Grayson, Kentucky 41143, hereinafter referred to as Grantee.

The in-care-of address to which the property tax bill may be sent is as follows: Benjamin Earl Rice
620 State Route 1947
Grayson, KY 41143

WITNESSETH: That for and in consideration of the sum of One Dollar (\$1.00) and the dissolving of the informal partnership agreement existing between the parties, cash in hand paid, the receipt of which is hereby acknowledged, and the dissolving of the informal partnership agreement existing between the parties, the Grantor has bargained, sold and do by these presents, bargain, sell, grant and convey unto the Grantee, Benjamin Earl Rice, single, his heirs and assigns, forever, in fee simple, his Forty-nine percent (49%) undivided ownership in and to the following described real estate located in Carter County, Kentucky, and more particularly described as follows, to wit:

TRACT 1: Beginning at a 36 inch sycamore in corner of Mr. and Mrs. Allen Rupert (now or formerly) and on the banks or channel of Barretts Creek; thence with Rupert line and fence North 35 deg. 45' East 406 feet to a post; South 62 deg. 30' East 173 feet to a post; thence leaving fence and bearing with center of driveway North 48 deg. 30' East 100 feet; North 20 deg. East 124 feet; North 48 deg. East 211 feet to the right-of-way of Kentucky 1 and 7; thence with right-of-way of Kentucky 1 and 7 South 13 deg. 5' West 330 feet; South 22 deg. 35' West 160 feet to the center of Barretts Creek or channel; thence with the center of channel South 81 deg. West 100 feet; South 75 deg. West 425 feet; thence leaving center of channel and bearing North 40 deg. West 29 feet to the beginning.

EXCEPTION: There is excepted from the above-described property that certain parcel of land comprising 0.159 acres conveyed to the

Commonwealth of Kentucky by deed dated April 16, 1991, and of record in Deed Book 210, page 7 of the Carter County Clerk's Office.

Being the same property conveyed to Benjamin Earl Rice, single, and Bobby Bowling, single, from Johnson & Goebel, Inc., a Kentucky Corporation, by Deed dated the 26th day of October, 1998, and recorded in Official Record Book 15, Page 593, Carter County Court Clerk's Office Records.

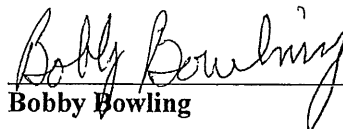
TO HAVE AND TO HOLD said real estate with the appurtenances thereunto belonging unto Benjamin Earl Rice, single, Grantee, his heirs and assigns, forever, with covenant of GENERAL WARRANTY.

CONSIDERATION CERTIFICATE

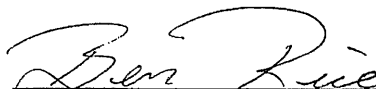
We, Grantor and Grantee, herein, do hereby certify, pursuant to **KRS Chapter 382**, that the consideration reflected in this Deed is One Dollars and No/100s (\$1.00) and the dissolution of an informal partnership. We further understand that falsification of the stated full estimated value is a Class D felony, subject to one to five years imprisonment and fines up to \$10,000. The fair market value of the whole of said property is \$350,000.

IN TESTIMONY WHEREOF, the parties have hereunto subscribed their names the day and date aforesaid.

GRANTOR:


Bobby Bowling

GRANTEE:


Benjamin Earl Rice


COMMONWEALTH OF KENTUCKY

COUNTY OF CARTER

The foregoing Deed and Consideration Certificate was subscribed, sworn to and acknowledged before me by **Bobby Bowling**, single, Grantor herein, to be their free and voluntary act and deed.

This the 19 day of June, 2012.

My commission expires: 6/30/15


NOTARY PUBLIC, STATE AT LARGE, KENTUCKY


COMMONWEALTH OF KENTUCKY

COUNTY OF CARTER

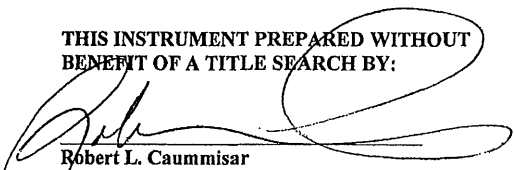
The foregoing Deed and Consideration Certificate was subscribed, sworn to and acknowledged before me by **Benjamin Earl Rice**, single Grantee herein to be his free and voluntary act and deed.

This the 19 day of June, 2012.

My commission expires: 6/30/15


NOTARY PUBLIC, STATE AT LARGE, KENTUCKY

THIS INSTRUMENT PREPARED WITHOUT
BENEFIT OF A TITLE SEARCH BY:


Robert L. Caummisar
Attorney at Law
301 West Main Street
Grayson, KY 41143
(606) 474-9522



338853
Filed on: 6/19/2012 4:02:18 PM
Book: OR Number: 288
Pages: 263 - 265
Mike D. Johnston, Carter County
DC: SHANNA BRADLEY
Deed Tax: \$0.00

Exhibit "C"

LEGAL DESCRIPTION

Being a 3.103 acres tract of land, lying on the west side of Kentucky Route 1 & 7, County of Carter, State of Kentucky and being the same property conveyed to Benjamin Earl Rice from Bobby Bowling, deed dated June 19, 2013 and filed with the Carter County Clerk's Office in official record book 288, page 263 and is more particularly described by metes and bounds as follows:

Beginning at an iron pin found (1/2" rebar with yellow surveyor's cap stamped "M. Back 2178") on the bank of Barrett's Creek, being a corner to the land owned by David McGlone (deed book 185, page 697) and to the land owned by Benjamin Earl Rice (official record book 288, page 263);

Thence running with the common boundary between McGlone and Rice N 32°50'08" E a distance 406.00' to an iron pin set, being a corner to the land leased to Benjamin Earl Rice, et al (official record book 24, page 198);

Thence S 63°48'52" E a distance of 172.58' to a Mag Nail Set in pavement;

Thence N 53°18'08" E a distance of 54.13' to a point;

Thence N 23°25'08" E a distance of 166.47' to a point;

Thence N 49°05'08" E a distance of 99.02' to a Mag Nail Set in pavement;

Thence N 45°05'05" E a distance of 37.66' to an iron pin set;

Thence S 11°08'38" W a distance of 111.77' to a Mag Nail Set in pavement;

Thence S 79°05'15" E a distance of 52.23' to a Mag Nail Set in pavement;

Thence S 11°00'22" W a distance of 174.92' to an iron pin set;

Thence S 22°21'03" W a distance of 140.58' to a point in the center of Barrett's Creek, also being a point in the existing City of Grayson Boundary per ordinance 15 ~ 1980;

Thence running with the center of Barrett' Creek and the existing City of Grayson Boundary S 78°05'08" W a distance of 100.24' to a point;

Thence S 73°37'28" W a distance of 428.46' to a point;

Thence leaving the center of Barrett's Creek and the existing City of Grayson Boundary N 42°54'52" W a distance of 29.00' to an iron pin found on the creek bank, which is the point of beginning and containing 3.103 acres.

All iron pin sets are 3/4" rebar 24" long with surveyor's cap stamped "E. Elliott KY, PLS 3760"

Basis of Bearings: Kentucky State Plane North Zone

Field Survey Date: 11/16/2013

Being subject to all restrictions, right of ways, easements, utilities, covenants, exceptions, conveyances, leases, and exclusions previously imposed and appearing of record, and those not of record.

This parcel is more fully shown on a plat titled "Plat of Benjamin Earl Rice Property", lying on the west side of Kentucky Route 1 & 7, County of Carter, State of Kentucky" dated November 19, 2013 by Edison Elliott, Professional Land Surveyor, No. 3760.



Edison Elliott
11-19-2013

GENERAL NOTES:

1. THIS PLAT REPRESENTS A BOUNDARY SURVEY OF THE PARCEL SHOWN.
2. SOURCE OF TITLE:
BENJAMIN EARL RICE FROM BOBBY BOWLING, DEED DATED JUNE 19, 2012
AND FILED WITH THE CARTER COUNTY CLERK'S OFFICE IN OFFICIAL RECORD
BOOK 288, PAGE 263.
3. CLIENT PROPERTY ADDRESS:
CITY OF GRAYSON
302 EAST MAIN STREET, GRAYSON, KENTUCKY 41143
4. THE WORD CERTIFY AS SHOWN AND USED HEREON MEANS AN EXPRESSION
OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES
NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.
5. DATE OF FIELD WORK: 11/19/2013
6. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY ELLIOTT & ASSOCIATES,
PLLC. PROFESSIONAL LAND SURVEYING TO DETERMINE OWNERSHIP AND EASEMENTS
OF RECORD.
7. FOR ALL INFORMATION REGARDING RIGHT-OF-WAYS, EASEMENTS, TITLE OF
RECORD AND SUBJECT PROPERTY LINES WE RELIED UPON THE CARTER COUNTY
CLERK'S OFFICE.
8. BEING SUBJECT TO ALL RESTRICTIONS, RESERVATIONS, RIGHT OF WAYS, EASEMENTS,
UTILITIES, COVENANTS, EXCEPTIONS, CONVEYANCES, LEASES AND EXCLUSIONS
PREVIOUSLY IMPOSED AND APPEARING OF RECORD, AND THOSE NOT OF RECORD.
9. BASIS OF BEARINGS: KENTUCKY STATE PLAN NORTH ZONE
10. GENERAL MAP SYMBOLS AND LINES:
 - POINT IN PROPOSED ANNEXATION
 - ⊙ IRON PIN FOUND ~ 1/2" REBAR WITH SURVEYOR'S CAP STAMPED "LS 2178"
 - POINT IN CENTER OF BARRETTS CREEK
 - p.o.b. POINT OF BEGINNING
 - BOUNDARY LINE
 - - - TRACT / DEED LINE
 - - - EXISTING CITY BOUNDARY

EDISON ELLIOTT, PLS

PROFESSIONAL LAND SURVEYOR

KENTUCKY ★ WEST VIRGINIA

TENNESSEE ★ OHIO

mobile: (606) 316-0856

edison@eaasurveying.com

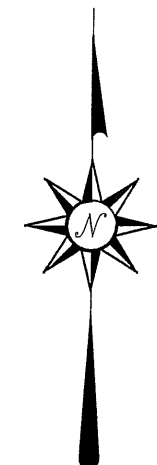
210 South Sand Ridge ★ Olive Hill, Kentucky 41164

David McGlone
Deed Book 185, Page 697

Lease
Benjamin Earl Rice, et al
Official Record Book 24, Page 198

3.103± Acres
Benjamin Earl Rice
Official Record Book 288, Page 263

N:312068.08801
E:2015515.74022



David McGlone
Deed Book 185, Page 697

N:311726.95496
E:2015295.59604

p.o.b.

N 42°54'52" W
29.00'

existing City of Grayson Boundary
ordinance 15 - 1980

S 73°37'28" W 428.46'

0 60 120 180

Scale 1" = 60'

N 45°05'05" E
37.66'

N 49°05'08" E 99.02'

S 11°08'38" W 111.77'

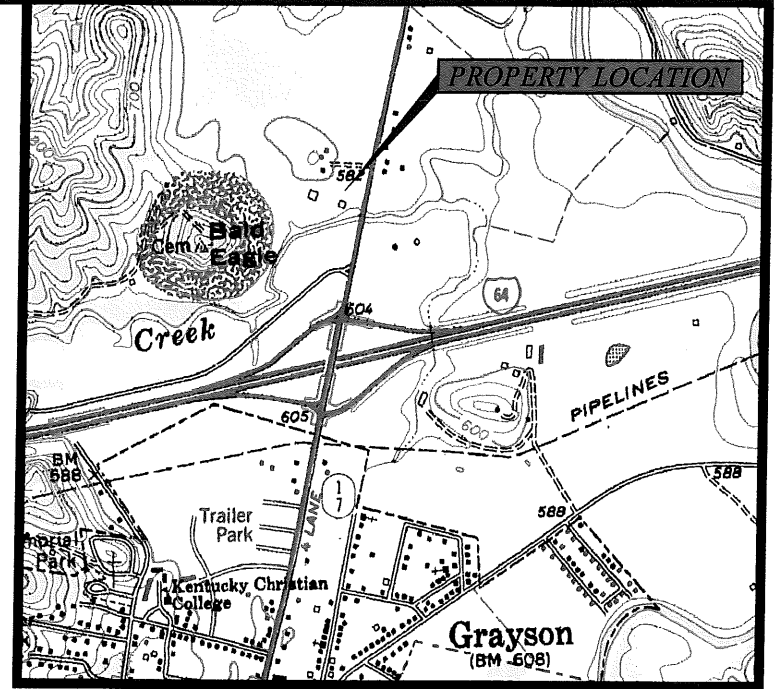
S 79°05'15" E
52.23'

S 11°00'22" W 174.92'

N 53°18'08" E
54.13'

S 78°05'08" W 100.24'

S 22°21'03" W 140.58'



7.5' USGS Grayson Quadrangle Map (n.t.s.)

SURVEYOR'S CERTIFICATION

I, EDISON ELLIOTT, A PROFESSIONAL LAND SURVEYOR LICENSED
TO PRACTICE LAND SURVEYING IN THE STATE OF KENTUCKY, DO
HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT
REPRESENTATION OF THE LANDS SURVEYED AND HAS BEEN
PREPARED IN CONFORMITY WITH THE STATUTORY REQUIREMENTS
OF THE STATE OF KENTUCKY. THE SURVEY WAS PERFORMED
UNDER MY DIRECT SUPERVISION USING THE METHOD OF RANDOM
TRAVERSE. THE UNADJUSTED MATHEMATICAL ERROR OF CLOSURE
WAS 1: 30,496 AND WAS NOT ADJUSTED. THE SURVEY SHOWN
HEREON IS A URBAN CLASS SURVEY.

Edison Elliott
EDISON ELLIOTT

P.L.S. NO. 3760

11/19/2013
(DATE SIGNED)



KENTUCKY ROUTES 1 & 7

~ Plat of ~
BENJAMIN EARL RICE
Property
Lying on the west side of Kentucky Route 1 and 7,
County of Carter, State of Kentucky
for the purpose to annex territory in the
CITY OF GRAYSON, KENTUCKY